

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

EQUALNET INC.,

Plaintiff,

VS.

JORGE BELLAS

and

TELEFYNE INC.,

Defendants.

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CIVIL ACTION NO. H-04-3895

**MEMORANDUM AND ORDER**

On January 31, 2006, this Court granted defense counsel's motion to withdraw. No new attorney has since entered an appearance on behalf of either Defendant. On February 27, 2006, Plaintiff moved for summary judgment on its claims against both Defendants.

Defendants are hereby **ORDERED** to respond to the motion, if at all, on or before April 24, 2006. In addition, Defendant Telefyne, Inc. is reminded that it is a "well-settled rule of law that a corporation cannot appear in federal court unless represented by a licensed attorney." *Memon v. Allied Domecq QSR*, 385 F.3d 871, 873 (5th Cir. 2004). The Fifth Circuit has held that, when confronted by a corporation that declines to retain counsel, a district court may properly strike the corporation's defenses. *Donovan v. Road Rangers Country Junction, Inc.*, 736 F.2d 1004, 1005 (5th Cir. 1984); *see also In re K.M.A., Inc.*, 652 F.2d 398, 399 (5th Cir. 1981) (stating the intention to grant an opposing party's dispositive motion if a licensed attorney did not appear on behalf of the corporate party within thirty days). Accordingly, Telefyne is hereby **ORDERED** to enter an

appearance through properly retained, licensed counsel on or before April 24, 2006, if it wishes to avoid the entry of a default judgment against it.<sup>1</sup>

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 22nd day of March, 2006.

A handwritten signature in black ink, appearing to read "Keith P. Ellison", written over a horizontal line.

KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES  
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY  
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH  
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**

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<sup>1</sup> Thus, the deadlines for the appearance of counsel and for the filing of both Defendants' responses to Plaintiff's summary judgment motions will fall on the same day, April 24, 2006.